

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2020/2021

ULB2612 – LABOUR LAW

(All Sections / Groups)

10 March 2021

Reading Time: 2.45PM-3.00PM

Answering Time: 3.00PM-6.00PM
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are not allowed to bring any statute into the exam venue
5. Please write all your answers in the Answer Booklet provided.

PART A:
ANSWER ALL THE QUESTIONS

QUESTION 1

The main aims of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.

The unique tripartite structure of the ILO gives an equal voice to workers, employers and governments to ensure that the views of the social partners are closely reflected in labour standards and in shaping policies and programmes.

Explain the roles and responsibilities of ILO and how Malaysia's membership in ILO is benefiting Malaysian workers.

(Total: 25 marks)

QUESTION 2

Established in 1951, Employees Provident Fund (EPF) helps the Malaysian employees to save for their retirement in accordance to the Employees Provident Fund Act 1991. Today the EPF continues to refine that vision to not only stay relevant to create a better security for retirement to its members, there are also supplementary benefits to the workforce. EPF allows employees to make a partial or full withdrawal from their savings to meet the specific needs that are in line with the EPF's latest policies.

Discuss on the benefits of EPF, both on the full and partial withdrawals to meet the specific needs of its members.

(Total: 25 marks)

QUESTION 3

- (a) Aliff is 60 years old. He is a pensioner. He secured a job with Syarikat Ukur Sdn Bhd. Due to his old age; the company allows him to do the bulk of his work at home. He only needs to come to the office 2 days a week to submit the work that he has completed to his superior officer, Encik Jamal. Aliff does not have fixed hours and days of work. On days that he is not well, his son, Osman will help to do the work since the work must be completed within the stipulated date. Is Aliff an employee under the Malaysian labour law?

(12 ½ marks)

Continued...

- (b) Kesatuan Sekerja Pekerja-pekerja Kilang Gandum Semenanjung Malaysia (the trade union) was recently registered under the Trade Unions Act 1959. Azman, its president wanted to send an invitation to Syarikat Kilang Gandum Sdn Bhd (the company) to commence a collective bargaining. Abu, the deputy president told him that the trade union could not do so until it obtained recognition. Azman would like to know what is the meaning of recognition and whether the company has a discretion in granting the recognition to a trade union? Advise Azman.

(12 ½ marks)

(Total: 25 marks)

PART B:

ANSWER ANY ONE (1) QUESTION ONLY

QUESTION 4A

- (a) Ali is employed as a supervisor with a construction company. He is paid a salary of RM 2,300 per month inclusive of RM 200 as travelling allowance and RM 200 as food allowance. His main duty is to supervise and oversees other employees engaged in manual labour at the construction site. His contract does not provide for paid public holiday, annual leave or sick leave. Ali sees his employer regarding the said matters but is told that he is only entitled to matters, which are provided, in his contract. Is this view correct? Advise Ali.

(12 ½ marks)

- (b) Kesatuan Sekerja Pekerja-pekerja Kraftangan Semenanjung Malaysia (the trade union) did not include any modification and adjustment clause in the existing collective agreement between the trade union and Syarikat Ukiran Kayu Sdn Bhd (the company). The collective agreement will end on 30 March 2021. A new collective agreement has yet to be signed. The trade union wrote to the company to inquire about the continuity of the said terms when the collective agreement ended. The company informed that until a new collective agreement is signed, the terms and conditions in the individual contract will be applicable. The trade union was unhappy and decided to go on picket. Advise the trade union.

(12 ½ marks)

(Total: 25 marks)

Continued...

QUESTION 4B

- (a) Julia's contract of employment was terminated with two months' notice. Julia was unhappy with the said termination and lodged a written complaint to the Director General for Industrial Relations under section 20(1) of the Industrial Relations Act 1967. Her employer received a letter from the Industrial Department requesting them to attend a reconciliation process with Julia. The company informed the department that Julia's contract was terminated according to the termination clause in her contract of employment, as such she was not dismissed. The department accepted the explanation and informed Julia of this. Julia would like to know whether the said explanation was correct? You are required to explain to Julia with the support of decided cases.

(12 ½ marks)

- (b) "Section 45 (1) A strike or lock-out shall be deemed to be illegal if-(a)..... or (b) it has any other object than in furtherance of a trade dispute –(i) between the workmen on strike and their employer; or (ii) between the employer who declared the lock-out and his workmen." Discuss the importance of this provision in determining the validity of a strike or a lock-out. Support your answer with decided cases.

(12 ½ marks)

(Total: 25 marks)

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